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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,780	10/30/2000	Rick Mousseau	DON01 P-854	7088
28101	7590	08/27/2004	EXAMINER	
VAN DYKE, GARDNER, LINN AND BURKHART, LLP			EISEN, ALEXANDER	
2851 CHARLEVOIX DRIVE, S.E.			ART UNIT	
P.O. BOX 888695			PAPER NUMBER	
GRAND RAPIDS, MI 49588-8695			2674	

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/699,780

Applicant(s)

MOUSSEAU ET AL.

Examiner

Alexander Eisen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-38 and 40-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-17, 28-38, 40-43 and 46-49 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6-10, 19, 44, 45 and 50-54 is/are rejected.
- 7) ☒ Claim(s) 3-5, 27 and 55-58 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 28 July 2003 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 6,520,667 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 44-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 44 refers to itself and thereby is indefinite. Claim 45 is dependent on claim 44.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2 and 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Regan, US 6,218,934 B1.

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With regard to claim 1 Regan discloses a vehicle rearview mirror system (FIGS. 2, 4) comprising a rearview mirror case 14 having a reflective element 12 and adapted to be mounted to portion of a vehicle and including carrier (the lower extended portion of the case); the carrier is located at viewing location at the mirror case; and at least one user-actuable interface device (switches 18) positioned at the carrier whereby one of a driver and occupant of the vehicle can interface with the user-actuable interface device for actuating a vehicle function (col. 3, lines 8-15).

As to claim 2, the lower portion of the mirror case is mechanically connected to the case.

As to claims 6-9, the mirror case includes a retaining rim (bezel 16) mechanically connected with the carrier (chin, lower portion of the case).

As to claim 10, the rearview mirror system further comprises a display 20 (FIG. 2) viewable by one of a driver and a passenger of the vehicle.

6. Claims 1, 2, 6-9, 20, 21 and 26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bos et al., (hereinafter Bos), US 5,671,996.

With respect to claim 1 Bos discloses a vehicle rearview mirror system (FIG. 1) comprising a rearview mirror case 12 having a reflective element 16 and adapted to be mounted to portion of a vehicle and including carrier (the lower extended portion of the case); the carrier is located at viewing location at the mirror case; and at least one user-actuable interface device (switches 68) positioned at the carrier whereby one of a driver and occupant of the vehicle can interface with the user-actuable interface device for actuating a vehicle function.

As to claim 2, the lower portion of the mirror case is mechanically connected to the case.

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As to claims 6-9, the mirror case includes a retaining rim 12a (FIG. 1) mechanically connected with the carrier (chin, lower portion of the case 15).

As to claim 20, Bos further discloses that the rearview mirror case is an interior mirror case.

As to claim 21, the system further comprises a toggle assembly (toggle member 20) and pivot lever 22 (col. 5, lines 27-57), wherein the reflective element 16 is pivoting between night and day positions by the toggle assembly.

As to claim 26, according to Bos the system further comprises a light source projecting the light through the lower portion of the mirror case (through openings 32, 34 and lenses 48, 50).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 19, 22-25 and 50-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bos et al., ("Bos") US 6,412,973 B1 in view of Single et al., ("Single"), US 6,180,212 B1.

With respect to claims 19, 22-25 and 50 Bos discloses a prismatic interior rearview system 10 comprising a mirror case 12 having a reflective element 16; a support 80 adapted to mount to an interior part of a vehicle, the mirror case is being pivotally mounted to the support; a toggle assembly adapted to pivot the mirror case and the reflective element about the support between a day position and night position (col. 5, lines 35-65), wherein the toggle assembly

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includes a grasping member (pivot lever) 22 and light emitting sources, such as LED 90 and bulbs 39 to provide illumination to various parts of control console.

Bos further discloses that the lever 22 can be made of plastic material, such as acetal, which exhibits certain rigidity, but does not teach that this lever can be composed of a base having a first hardness and an outer material having a second hardness.

Single teaches an automotive soft touch latch handle (lever) 10 being made as a base composed of first material 11 having a first hardness, which then is over-molded by a second material providing an outer surface 13 having a second hardness, so as to provide an economical recessed automotive handle having a soft grip while providing enough rigidity for performing a function.

It would have been obvious to one of ordinary skill in the art at the time when the invention was made to employ a technology taught by Single to manufacture the lever in the mirror system of Bos because it would provide a soft grip and shearing tactile feel to a driver (Single; col. 2, lines 47-60).

As to claim 51, the outer surface 13 in Single is molded over the base.

As to claims 22 and 52, the outer surface 13 comprises the second material, which comprises a soft touch grasping member.

As to claims 23 and 52, Single further teaches that the second material can be of hardness equal to 35-85 shore A, which embraces the range below 70 shore A as required by claim 53 (col. 1, lines 39-52).

As to claims 25 and 54, Single further teaches that the hardness of the first material is 710,000 shore A, which satisfies the requirement of claim 54.

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Allowable Subject Matter

9. Claims 11-17, 28-38 and 40-49 are allowed.

10. The following is an examiner's statement of reasons for allowance: none of the prior art, either singularly or in combination, teach or fairly suggest a vehicle rearview mirror system as claimed in independent claims 11 and 28 comprising the display screen shifting the display image on the display element to the central viewing area of the display screen and including all other limitations of claims 11 and 28.

11. Claims 3-5, 27 and 55-58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: none of the prior art has been found by the examiner that suggested modification or combination with the cited prior art so as to satisfy the limitations of independent claims 3-5 and 27 including the limitations of parent claims, which these claims are dependent upon.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Eisen whose telephone number is (703) 306-2988. The examiner can normally be reached on M-F (8:30-4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on (703) 305-4709. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



25-Aug-04

**ALEXANDER EISEN
PRIMARY EXAMINER
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